



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,036	09/12/2003	Randall D. Mead	0112300-1409	6686
29159 7590 11/13/2008 BELL, BOYD & LLOYD LLP P.O. Box 1135 CHICAGO, IL 60690				
EXAMINER PIERCE, DAMON JOSEPH				
ART UNIT 3714		PAPER NUMBER		
NOTIFICATION DATE 11/13/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENTS@BELLBOYD.COM

Office Action Summary

Application No.

10/661,036

Applicant(s)

MEAD ET AL.

Examiner

DAMON PIERCE

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to amendments

1. The examiner acknowledges the amendments of claims 1-5, 7-38, 40, 41, 43, 48, 50 and 54. Claims 1-55 are pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/16/08 has been entered.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 13, 50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 1, 13, 25, includes the recitations of "(i) automatically cause the pick of the first selection from the second selection group.", and "(c) said advance automatically causes the pick of the first selection from the second selection group which is linked to said selection picked from the first selection group.", however, as the invention is understood, the first selection in the a first selection group would come before a selection in the second selection group; yet it seems the claim is stating that a selection in the second selection group occurs before a selection in the

first selection, which is unclear and ambiguous. For purposes of examination, as best understood the limitation is interpreted as the preceding selection of one group automatically cause the pick of different subsequent selection group.

Claim Objections

5. Claim 13 is objected to because of the following informalities:

Claim 13, includes the recitations, "said selection picked" in element (c), and "said picked selection" in element (d), yet the use of the limitation is inconsistent in the mentioned elements of the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 41-42, 48-49 are rejected under 35 U.S.C. 102(a) as being anticipated by US Pub. 2003/0013514 to Cregan et al (Cregan).

In Reference to Claims 41

Cregan discloses a method of operating a gaming device including a wagering game (Fig. 1, 10), said method comprising:

(a) providing a number of picks to a player, the provided number of picks being usable to pick from a plurality of selection groups, each of the selection groups including a plurality of selections (Fig. 9, 166, "picks remaining", which indicates a number of picks, and para. 84, discloses the player uses these picks for all of the selections groups, even a selection group that includes only one selection);

(b) enabling the player to pick at least one selection from a first one of the selection groups until the picked selection is associated with a first advancement, the first advancement advancing the player through the first selection group (see Fig. 9, and para. 87, which disclose "advance indicators", 66, which cause a player to pick a from the next selection group);

(c) if the picked selection associated with the first advancement does not generate a second advancement in a second one of the selection groups, enabling the player to pick at least one selection from the second selection groups until the picked selection from the second selection group is associated with the second advancement, the second advancement advancing the player through the second selection group (as best understood, if the next pick in the subsequent selection group after an advancement symbol, does not immediately generate an advance indicator in the group, a player gets to pick another selection from group that same group, see Fig. 9, 66, groups 156-158, where a

player gets to continue to pick from a selection group until an advance indicator is selected or a player runs out of picks); and

(d) tracking a quantity of picks used by the player to advance through the first and second selection groups (Fig. 9, 166, "picks remaining", tracks the picks remaining); and

(e) providing an advance award to the player for advancing through each of the first and second selection groups if the tracked quantity of picks is less than or equal to the provided number of picks (Fig. 9, discloses credits within boxes, where a player receives awards as long as there are picks remaining to make selections) .

In Reference to Claim 42

Cregan discloses the method of Claim 41, which includes providing a separate number of picks for the first and second selection groups (Fig. 3, group 56 inherently has less choices or picks than group 58).

In Reference to Claim 43

Cregan discloses the method of Claim 41, which includes requiring at least one pick to be used receive the advance award (Fig. 9, 64, discloses an "award indicator" where a player has to pick in order to receive an award).

In Reference to Claims 48-49

Cregan discloses the method of Claim 41, which includes providing steps (a) to (c) via a data network or a computer storage device, and wherein the data

network includes an Internet (parg. 37, discloses memory device, network, and the Internet).

8. Claim 1 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over US Pat. #6,439,995 to Hughs-Baird et al. (Hughs-Baird).

In Reference to Claim 1

Hughs-Baird discloses a gaming device (Fig. 1, 10) comprising:

At least one input device (fig. 2, 52, discloses a touch screen);

At least one display device (fig. 2, 44, discloses a video monitor); and

At least one processor programmed to operate with the at least one display device and the at least one input device to (fig. 2, 40, discloses a processor):

Display a plurality of selection groups (Fig. 3, 56, 58, 60, shows a plurality of selection groups);

Display a plurality of selections in each of said selection groups (Fig. 3, the indicia/boxes located in groups 56, 58, 60), wherein a first one of the selections in a first one of the selection groups is linked to a first one of the selections in a second one of the selection groups (see Fig. 3, groups 58 and 60, where both groups are linked that the game is set up to go from the 1st selection group to the next selection group);

Associate a plurality of advances with the selections, wherein at least one selection of each of a plurality of the different selection groups is associated with

one of said advances (Fig. 3, 66, where there is a plurality of "advance indicators" through out the game scheme for each selection group);

Associate at least one award with at least one of the selections of at least one of the selection groups (Fig. 3, where there are numbers associated with most of the selection choices which are awards/credits);

Provide a player a number of picks of the selections from the selection groups (Fig. 3, 70, "pick indicator", which indicates a number of picks);

Indicate the at least one award if either:

(a) the player picks said selection associated with the at least one award (Fig. 3, 64, where there are numbers associated with most of the selection choices which are awards/credits);

(b) one of the advances causes the pick of said selection associated with the at least one award; and if the player picks one of the selections associated with one of the advances from the first selection group, and said picked selection is linked to the first selection in the second selection group (col. 7, 2-5, when an "advance indicator" is selected this causes a player to pick from second selection group);

(ii) provide an advance award if another one of the advances is associated with said first selection from the second selection group (Fig. 3, item 64, in the second selection group is the advance award).

However, Hughs-Baird fails to explicitly disclose (i) automatically cause the pick of the first selection from the second selection group. Yet, as best

understood claim 1 has element "(a)" and "(b)" in an alternative form, therefore
Hughs-Baird does disclose the claim invention including element "(a)".

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-40, 43-47, and 50-55 are rejected under 35 U.S.C. 103(a) as being
unpatentable over US Pub. 2003/0013514 to Cregan et al (Cregan) in view of US Pat
#5,855,514 to Kamille.

In Reference to Claim 37

Cregan discloses a gaming device (Fig. 1, 10) comprising:

At least one input device (fig. 2, 52, discloses a touch screen);

At least one display device (fig. 2, 44, discloses a video monitor); and

At least one processor programmed to operate with the at least one display
device and the at least one input device to (fig. 2, 40, discloses a processor):

Display a plurality of selection groups (Fig. 9, 156, 158, 160, shows a plurality of
selection groups);

Display a plurality of selections in each of said selection groups (Fig. 9, the indicia/boxes located in groups 156, 158, 160), wherein a first one of the selections in a first one of the selection groups is linked to a first one of the selections in a second one of the selection groups (see Fig. 9, groups 158 and 160, where both groups are linked that the game is set up to go from the 1st selection group to the next selection group);

Associate a plurality of advances with the selections, wherein at least one selection of each of a plurality of the different selection groups is associated with one of said advances (Fig. 9, 66, where there is a plurality of "advance indicators" through out the game scheme for each selection group);

Associate at least one award with at least one of the selections of at least one of the selection groups (Fig. 9, where there are numbers associated with most of the selection choices which are awards/credits);

indicate a number of picks from the selection groups for a player, said indicated number of picks being usable to pick from the plurality of the different selection groups (Fig. 9, 166, "picks remaining", which indicates a number of picks);

indicate an advance award to be provided to the player if :

(a) the player picks one of the selections associated with one of the advances, said pick counting against the indicated number of picks (parg. 84, discloses the player uses these picks for all of the selections groups, even a selection group that includes only one selection),

(c) a second one of the advances is associated with said selection caused to

be picked by the advance (Fig. 9, 66, 158, discloses a second advance in the second selection group)

However, Cregan fails to explicitly disclose (b) said advance automatically causes the pick of one of the selections associated with a subsequent one of the selection groups, and (d) said second advance automatically causes the pick of one of the selections associated with another subsequent one of the selection groups or the advance award, said pick of said selection caused to be picked by the second advance from the another subsequent selection group not counting against the indicated number of picks. Cregan does disclose advances causing the player to pick a selection associated with subsequent selection groups, and when an advance is selected not counting against the indicated number of picks (see Fig. 9, and parg. 87, which disclose "advance indicators", 66, which cause a player to pick a from the next selection group, and parg. 90, discloses not counting an advance indicator as one of player's picks). Cregan is silent on automatically causing the pick of the next selection group.

Kamille discloses upon the picking of first advancement, automatically revealing one of the selections in the second group, wherein the automatically revealed selection yield the second advancement (see Figs. 5, 6A-6B, 7A, which discloses uni-directional and directional symbols, where when uni-directional symbols are chosen the next symbol is automatically chosen for the player, also see cols. 9-11 for more details of directional symbols) in order to direct an individual's choice as to which play areas to uncover in the game. Cregan bonus

game scheme could add the uni-directional symbols of Kamille in order to manage the probability and the amount of winnings of any particular bonus game play.

It would have been obvious at the time of the invention to a person of ordinary skill in the art to modify the advance indicators of Cregan with the automatic revealing selection of Kamille in order to manage the probability and the amount of winnings per bonus game play.

In Reference to Claims 50

Cregan discloses a method of operating a gaming device including a wagering game (Fig. 1, 10), said method comprising:

(a) providing a number of picks to a player, the provided number of picks being usable to pick from a plurality of selection groups, each of the selection groups including a plurality of selections (Fig. 9, 166, "picks remaining", which indicates a number of picks, and para. 84, discloses the player uses these picks for all of the selections groups, even a selection group that includes only one selection);

(b) enabling a player to pick from a first selection group until the player picks a first advancement (Fig. 9, player picks selections from group 156, until player picks 66, advance indicator);

(c) if the first advancement is not linked a second advancement in a second one of the selection groups, enabling the player to pick from the second selection

group until the player picks the second advancement in the second selection group (as best understood, if the next pick in the subsequent selection group after an advancement symbol, does not immediately generate an advance indicator in the group, a player gets to pick another selection from group that same group, see Fig. 9, 66, groups 156-158);

(d) if the first advancement is linked with the second advancement in the second selection group, without counting against the number of picks (see Fig. 9, and para. 87, which disclose "advance indicators", 66, that links selection groups, and para. 90, discloses not counting an advance indicator as one of player's picks); and

(e) providing an advance award (Fig. 9, 64) to the player for advancing through the first and second selection groups within a designated number of the picks (col. 9, 64, 166, awards are given to player has long as there are "picks remaining").

However, Cregan fails to disclose automatically causing the second advancement to be picked.

Kamille discloses automatically causing the second advancement to be picked (see Figs. 5, 6A-6B, 7A, which discloses uni-directional and directional symbols, where when uni-directional symbols are chosen the next symbol is automatically chosen for the player) in order to direct an individual's choice as to which play areas to uncover in the game. Cregan bonus game scheme could

add the uni-directional symbols of Kamille in order to manage the probability and the amount of winnings of any particular bonus game play.

It would have been obvious at the time of the invention to a person of ordinary skill in the art to modify the advance indicators of Cregan with the automatic revealing selection of Kamille in order to manage the probability and the amount of winnings per bonus game play.

In Reference to Claims 44, and 51, Kamille discloses the method of Claims 41, and 50, which includes, upon the picking of first advancement, automatically revealing one of the selections in the second group, wherein the automatically revealed selection yield the second advancement (see Figs. 5, 6A-6B, 7A, which discloses uni-directional and directional symbols, where when uni-directional symbols are chosen the next symbol is automatically chosen for the player).

In Reference to Claims 45, 52, Kamille discloses the method of Claims 44 and 51, wherein the revealed selection in the second group is related to the selection in the first group that yielded the first advancement (see Figs. 5, 6A-6B, 7A, which discloses uni-directional and directional symbols, where when uni-directional symbols are chosen the next symbol is automatically chosen for the player).

In Reference to Claims 46, 53, Cregan discloses the method of Claims 44 and 51, wherein the revealed selection in the second group is randomly

chosen/indicated upon/by picking the first advancement (parg. 34, discloses where the controller can randomly determine the position and value in various groups).

However, Cregan fails to disclose automatically revealing a selection.

Kamille discloses automatically causing the second advancement to be picked (see Figs. 5, 6A-6B, 7A, which discloses uni-directional and directional symbols, where when uni-directional symbols are chosen the next symbol is automatically chosen for the player) in order to direct an individual's choice as to which play areas to uncover in the game. Cregan bonus game scheme could add the uni-directional symbols of Kamille in order to manage the probability and the amount of winnings of any particular bonus game play.

It would have been obvious at the time of the invention to a person of ordinary skill in the art to modify the advance indicators of Cregan with the automatic revealing selection of Kamille in order to manage the probability and the amount of winnings per bonus game play.

In Reference to Claim 47, Cregan discloses the gaming device of claim 41, wherein if the player picks one of the selections associated with one of the advances, said pick caused by said advance does not count against the provided number of picks (parg. 90, discloses not counting an advance indicator as one of player's picks).

In Reference to Claims 54-55, Cregan discloses the method of Claim 50, which includes providing steps (a) to (c) via a data network or a computer

storage device, and wherein the data network includes an Internet (parg. 37, discloses memory device, network, and the Internet).

In Reference to Claims 1, 13, 25, and 38

Cregan discloses a gaming device (Fig. 1, 10) comprising:

At least one input device (fig. 2, 50-52, discloses a touch screen);

At least one display device (fig. 2, 44, discloses a video monitor); and

At least one processor programmed to operate with the at least one display device and the at least one input device to (fig. 2, 40, discloses a processor):

Display a plurality of selection groups (Fig. 3, 56, 58, 60, shows a plurality of selection groups, which are discussed in pargs. 8-9, and 38-46; and Fig. 9, 165-164, also a plurality of selection groups, which are discussed in pargs. 81-96);

Display a plurality of selections in each of said selection groups (Fig. 3, the indicia/boxes located in groups 56, 58, 60), wherein a first one of the selections in a first one of the selection groups is linked to a first one of the selections in a second one of the selection groups (see Fig. 3, groups 58 and 60, where both groups are linked that the game is set up to go from the 1st selection group to the next selection group);

Associate a plurality of advances with the selections, wherein at least one selection of each of a plurality of the different selection groups is associated with one of said advances (Fig. 3, 66, where there is a plurality of "advance indicators" through out the game scheme for each selection group);

Associate at least one award with at least one of the selections of at least one of the selection groups (Fig. 3, items 64, where there are numbers associated with most of the selection choices which are awards/credits, see para. 9);
Provide a player a number of picks of the selections from the selection groups (Fig. 3, 70, "pick indicator", which indicates a number of picks, see para. 8);

Indicate the at least one award if either:

(a) the player picks said selection associated with the at least one award (Fig. 3, 64, where there are numbers associated with most of the selection choices which are awards/credits);

(b) one of the advances causes the pick of said selection associated with the at least one award; and if the player picks one of the selections associated with one of the advances from the first selection group, and said picked selection is linked to the first selection in the second selection group (para. 13, when an "advance indicator" is selected this causes a player to pick from second selection group);
(ii) provide an advance award if another one of the advances is associated with said first selection from the second selection group (Fig. 3, item 64, in the second selection group is the advance award, see para. 40).

(claim 13) (a) the player picks one of the selections associated with one of the advances from the first selection group (fig. 3, 66, discloses an "advance indicator" in the 1st selection group, see para. 40),

(b) said selection picked from the first selection group is linked to the first one of the selections from the second selection group (Fig. 3, where the first

group, 56, and 2nd group, 58 are inherently linked as the game progresses through selection groups, therefore, when an advance indicator is selected in the 1st group a player must pick from 2nd group, thus forming the link, see parag. 40);

(claim 38) (a) the first selection picked generates the first advance (Fig. 3, 66, shows a advance indicator, see parag. 40);

(b) the first selection picked is individually associated with one of the second selections (Fig. 3, each element of 56, is individually associated with an element from 58 via the game layout, i.e., in Fig. 3, the selection of the 1st group, 56, that has arrow/advance indicator, 66, is associated to the selection in the 2nd group that displays the "10" by way of the game pattern layout of the selections being directly below/above each other),

(d) the picked second selection generates a second advance (Fig. 3, in the 2nd group, 58, shows 66, which is the advance indicator);

(e) at least one pick of the provided number of picks is remaining (Fig. 3, 70, discloses a number of picks, see parag. 8, and the abstract, explicitly discloses "The gaming device provides the player with a total number of picks").

However, Cregan fails to explicitly disclose (i) automatically cause the pick of the first selection from the second selection group; (claims 13, 25, 38), (claim 25) indicate an award to be provided to the player if for each of two picks by the player:

(c) said advance automatically causes the pick of the first selection from the second selection group which is linked to said selection picked from the first selection group

(d) another one of the advances is associated with said picked selection caused to be picked from the second selection group by the advance, and

Cregan does explicitly disclose in parg. 8, it should be appreciated that the number of picks could be determined in any suitable manner, thus including two picks in order to win advances and awards.

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the number picks of Cregan to two in order to change the probability of the chances of winning game awards.

Kamille discloses upon the picking of first advancement, automatically revealing one of the selections in the second group, wherein the automatically revealed selection yield the second advancement (see Figs. 5, 6A-6B, 7A, which discloses uni-directional and directional symbols, where when uni-directional symbols are chosen the next symbol is automatically chosen for the player, also see cols. 9-11 for more details of directional symbols) in order to direct an individual's choice as to which play areas to uncover in the game. Cregan bonus game scheme could add the uni-directional symbols of Kamille in order to manage the probability and the amount of winnings of any particular bonus game play.

It would have been obvious at the time of the invention to a person of ordinary skill in the art to modify the advance indicators of Cregan with the automatic revealing selection of Kamille in order to manage the probability and the amount of winnings per bonus game play.

In Reference to Claims 2, 14, 26

Cregan discloses the gaming device of claims 1, 13, 25, and 41, wherein if the player picks one of the selections associated with one of the advances, said pick caused by said advance does not count against the provided number of picks (parg. 8, where in this case picks are counted as used during "final selection group", therefore, in this case, "picks" will not be used until player reaches "final selection group", see Fig. 3, 62, 70).

In Reference to Claims 3, 15, 27

Cregan discloses the gaming device of claims 1, 13, 25, which includes a plurality of links between selections at least of two selection groups (Fig. 3, groups 58, and 60 are linked that groups are arranged in a sequential order and one group comes after the other, and there are a plurality of advance indicators in the game that link the selection groups, see parg. 40).

In Reference to Claims 4, 16, 28, 40

Cregan discloses the gaming device of claims 3, 27, and 38, wherein the at least one display device (Fig. 1, 34) is adapted to display the selection groups in alignment to show the links between selections of at least two of the selection groups (Fig. 3, where some of the selection areas of 1st group, 56, are linked and aligned with some of the selection areas of 2nd group, 58, and all of the selection areas of 2nd and 3rd group, 56-58 are aligned; note: all gaming selections displayed and awarded in Fig. 3, are inherently linked somehow since they all are in the same gaming play scheme).

In Reference to Claims 5, 17, 29

Cregan discloses the gaming device of Claims 1, 13, and 25, wherein the at least one processor is programmed to associate a plurality of the advances with a plurality of the selections in at least one of the selection groups (Fig. 3, 66, and 70 shows a plurality of "advance indicators").

In Reference to Claims 7, 19, 31, 39

Cregan discloses the gaming device of Claims 1, 13, 25, and 38, which includes at least one award associated with one of the selections of one of the groups, wherein the at least one processor is programmed to indicate said award to be provided to the player if the player picks said selection or an advance causes the pick of said selection (Fig. 3, 64, discloses awards provided to a

player based on a player's selections before/after an advance indicator has been generated, see para. 40).

In Reference to Claims 8, 20, 32

Cregan discloses the gaming device of Claims 1, 13, and 25, which includes a plurality of awards associated with a plurality of the selections of one of the groups, wherein the at least one processor is programmed to indicate each award associated with the selections picked by the player and the selections caused to be picked by the advance (Fig. 3, see group 58 where there is different awards for each box, i.e. from right-to-left, "100", "125", "2", etc., discloses awards provided to a player based on a player's selections before/after an advance indicator has been generated, see para. 40).

In Reference to Claims 9, 21, 33

Cregan discloses the gaming device of Claims 1, 13, and 33, which includes a plurality of awards, one of said awards associated with one of the selections of each of the groups, wherein the at least one processor is programmed to indicate each award associated with the selections picked by the player and the selections caused to be picked by the advance (Fig. 3, 64, discloses awards provided to a player based on a player's selections before/after an advance indicator has been generated, see para. 40).

In Reference to Claims 10, 22, 34

Cregan discloses the gaming device of Claims 1, 13, and 25 which includes a plurality of awards associated with a plurality of the selections of the groups, wherein the at least one processor is programmed to indicate each award associated with the selections picked by the player and the selections caused to be picked by the advance (Fig. 3, discloses awards provided to a player based on a player's selections before/after an advance indicator has been generated, see para. 40, where each selection group has a plurality of awards).

In Reference to Claims 11, 23, 35

Cregan discloses the gaming device of Claims 1, 13, and 25, which includes a plurality of awards, wherein each selection not having an associated advance has one of said awards associated with said selection, wherein the at least one processor is programmed to indicate each award associated with the selections picked by the player and the selections caused to be picked by the advance (as best understood is interpreted as there are awards other than advance indicators after an advance has been selected, and Fig. 3, 64, discloses where there are "award indicators" throughout the gaming scheme that are not necessary "advance indicators", see paras. 9 and 40).

In Reference to Claims 12, 24, 36

Cregan discloses the gaming device of Claims 1, 13, and 25, wherein the at least one processor is programmed to reset the number of picks upon one of the selections having an associated advance symbol (parg. 73, discloses a "try again" feature, which essentially resets the number of picks available to a player; and see Fig. 3, 70, where the picks are reset to "3 picks" for the final selection group; also note: in Fig. 3, between selection groups 56-60, that each time an advance indicator is selected the number of picks for the next selection group is reset for that particular selection group).

In Reference to Claims 6, 18, 30, Cregan discloses the gaming device of Claims 1, 13, and 25, wherein the at least one processor is programmed to display the selection groups arranged in an order (Fig. 3, selection groups, 56-62, are arranged in a sequential order) except a percentage of advances associated with the selections decreases for each subsequent selection group.

According to Kamille illustration in Fig. 6B, it is shown that the as advance indicators go from "outer ring" to inner circle the number of indicators that would keep the game going decreases in order to make it more difficult to win bonus prize. Cregan, Fig. 9, embodiment, would have motivation to decrease the number of advances as a player goes through subsequent selections group in order to chance the probability of winning the larger jackpot prize in the last selection group.

Therefore, it would be obvious at the time of the invention for a person of ordinary skill in the art to modify the gaming device of Cregan with less advance indicators as a player gets closer to larger bonus selection group with the decreasing advancing chances of Kamille in order to increase the excitement and suspense of winning a jackpot prize.

Response to Arguments

1. Applicant's other arguments with respect to claims 1-55 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant's arguments filed 7/16/08 have been fully considered but they are not persuasive.
3. Regarding claim 1, on pg. 22 of applicant's remarks it is stated that Hughs-Baird does not anticipate at least one processor programmed to (a) associate a plurality of advances with the selections, and (b) if the player picks one of the selections associated with one of the advances from the first selection group, and the picked selection is linked to the first selection in the second group: (i) automatically cause the pick of the first selection from the second selection group. However, in Hughs-Baird the processor in Fig. 2, 40, is programmed to associate a plurality of "advance indicators" of col. 7, 1-5, with a player selections and when an "advance indicator" is selected from the first selection group it is automatically programmed and linked to go to the second selection group, see Fig. 3 and col. 7, 1-5. Regarding element (i) it is agreed that Hughs-Baird does not automatically cause the pick of the selection from the subsequent group,

however, as best understood claim 1 has indicating at least one award in an alternative form of elements "(a)" and "(b)", where Hughs-Baird does disclose the claim invention including element "(a)".

Similarly, on pg. 23 of applicant's remarks it is stated that Hughs-Baird does not anticipated a processor programmed, if the player picks one of the selections associated with one of the advances from the first selection group, and said picked selection is linked to the first selection in the second selection group, to provide an advance award if another one of the advance is associated with said first selection from the second selection group. Again, see Fig. 3 and col. 7, 1-34, which discloses rows (selection groups) linked to each other via advance indicators, 66, and providing award indicators, 64, during game play.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kaminkow et al (US Pats. 6722983| 7220180) discloses a gaming device having multiple selectable changing awards.

Hughs-Baird et al (7182689| 20030045349| 6595854| 20030162583| 20020010018) discloses multiple selection groups.

Kamille (6237913)discloses a game with multi-directional symbols.

Eklund et al (6176487) discloses a game with multiple movement sequences.

Cuddy et al (6733386) discloses a game having adjacent selection groups.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAMON PIERCE whose telephone number is (571)270-1997. The examiner can normally be reached on 8AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on 571-272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DJP

/Scott E. Jones/
Primary Examiner, Art Unit 3714